

Message Text

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PAGE 01 BONN 04614 221917Z

71

ACTION L-03

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 1285

INFO AMEMBASSY THE HAGUE

USMISSION USUN NEW YORK

AMEMBASSY REYKJAVIK

AMEMBASSY LONDON

C O N F I D E N T I A L BONN 04614

E.O. 11652: GDS

TAGS: AORG, ICJ, GW, IC, UK

SUBJECT: ICJ HEARINGS ON FISHERIES JURISDICTION

REF: A. THE HAGUE 1375; B. BONN 17618 (1973)

1. SUMMARY. THE FRG/ICELAND FISHERIES DISPUTE
REMAINS UNRESOLVED. THE FRG HOPES TO HAVE AN ICJ
STATEMENT BEFORE THE LOS CONFERENCE. END SUMMARY.

2. WE DISCUSSED RECENT DEVELOPMENTS IN THE FRG/
ICELAND FISHERIES DISPUTE WITH KAUFMAN-BUEHLER
OF THE LEGAL SECTION OF THE FRG FOREIGN OFFICE.

3. ON RECENT DEVELOPMENTS HE SAID ON DECEMBER 7,
1973, FOREIGN MINISTER SCHEEL SENT A LETTER TO
ICELAND'S FOREIGN MINISTER IN WHICH, AFTER REVIEWING
THE SITUATION, THE FRG OFFERED TO UTILIZE ITS
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PAGE 02 BONN 04614 221917Z

FREEZER SHIPS AS IF THEY WERE TRAWLERS BY HAVING

THE FORMER FISH WITH TRAWLER NETS AND BY REDUCING THE FREEZER'S TIME IN THE FISHING GROUNDS TO CORRESPOND TO A TRAWLER'S TIME. ICELAND RESPONDED ON JANUARY 11, BY NOTING THAT THE FREEZER SHIP ISSUE WAS ONE OF PRINCIPLE FOR THEM. ICELAND INDICATED IT WAS NOT PREPARED TO ACCEPT FACTORY SHIPS IN THEIR FISHING ZONE. AS A FOLLOW UP THE FRG AMBASSADOR IN REYKJAVIK, WITHIN THE PAST FEW DAYS, WAS INSTRUCTED TO GO IN, REVIEW THE SITUATION AND PRESENT SOME NEW SUGGESTIONS TO THE GOI.- THERE HAS BEEN NO RESPONSE TO THIS MOST RECENT DEMARCHE AND KAUFMAN-BUEHLER UNDERLINED THAT THE FREEZER SHIP QUESTION IS CRUCIAL TO THE FRG (SEE REFTEL B). MINOR HARASSMENT OF FRG SHIPS CONTINUES BUT THE LAST TIME FRG FISH NETS WERE CUT WAS DECEMBER 31, 1973.

4. THE INTERNATIONAL COURT OF JUSTICE HEARING ON THE CASE STEMS FROM A JOINT FRG-UK INITIATIVE. IN MAY 1972, THE FRG FILED AN APPLICATION WITH THE ICJ TO INSTITUTE PROCEEDINGS ON ITS OWN BEHALF. SUPPLEMENTARY SUBMISSIONS WERE PRESENTED TO THE COURT ON AUGUST 1, 1973. IN THESE BRIEFS, THE FRG CHALLENGES ICELAND'S RIGHT TO EXTEND ITS JURISDICTION TO 50 MILES, CLAIMS THE REGULATIONS EXTENDING THIS ZONE CANNOT BE ENFORCED AGAINST THE FRG, AND ASKS FOR COMPENSATION. THE U.K. PROPOSAL IS APPARENTLY SIMILAR, ACCORDING TO KAUFMAN-BUEHLER, EXCEPT FOR THE COMPENSATION QUESTION, AGREEMENT ON WHICH HAS BEEN REACHED BETWEEN THE UK AND ICELAND. KAUFMAN-BUEHLER SAYS THE FRG INITIATIVE IS FOUNDED ON AN EXCHANGE OF NOTES BETWEEN THE FRG AND ICELAND DATING FROM JULY 1961. ICELAND HAS APPARENTLY DENIED THE VALIDITY OF THESE NOTES AND WILL NOT BE REPRESENTED AT THE ICJ HEARINGS. KAUFMAN-BUEHLER SAID THE UK IS HOPEFUL THE ICJ WILL REACH A DECISION BY MAY, PRIOR TO THE OPENING OF THE LOS CONFERENCE. HE SAID A STATEMENT FROM THE ICJ BEFORE THE CONFERENCE CONVENES WOULD BE HELPFUL.

HILLENBRAND

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